No. 16—17-7.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

EMIGRATION.

Dated Calcutta, the 2nd December, 1904.

RESOLUTION.

The Southern Rhodesia Immigration Restriction Ordinance, 1903, of which extracts were published with this Government's Resolution No. 24—89-2, dated 3rd November 1903, having been altered by an Amending Ordinance of 1904, the following extracts, showing the more important provisions of the law in question as amended, are published for information in supersession of those published in the Resolution above referred to. An extract from the Regulations recently issued under the Ordinance is also published for general information.

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Interpretation of "Prohibited Immigrant."

2. In the interpretation of this Ordinance, if not inconsistent with the context, the expression "Prohibited Immigrant" shall, subject to the provisions in the next succeeding section contained, mean and include:—

(1) Any person who is not in possession of visible means of support or is likely to become a public charge.

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(5) Any person who, if asked to do so by any duly authorised officer, shall be unable by reason of deficient education to write out and sign with his own hand in the characters of any European language an application to the satisfaction of the Administrator.

(6) Any person who from information officially received by the Administrator from or through the High Commissioner or the Government of any British or Portuguese Colony in South Africa is deemed by him to be an undesirable.

Persons to whom provisions of Ordinance shall not apply.

3. The provisions of this Ordinance shall not apply to—

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(1) (*d*) The wife and minor child of any person who is permitted to immigrate into Southern Rhodesia under the provisions of this Ordinance.

(2) British subjects or other persons of any nationality whom the Administrator, with the concurrence of the Executive Council, shall determine to admit as agricultural or domestic servants, skilled artisans, mechanics, workmen, or miners, subject to such rules, regulations, or restrictions as shall be fixed and appointed in respect thereto, with the assent of the High Commissioner.

(3)* (*a*) Persons domiciled in South Africa.

(*b*) Such persons as are mentioned or referred to in the last preceding sub-section (2) whom the Administrator shall, in pursuance of the provisions thereof, determine to admit, and who shall produce a certificate signed by some officer duly appointed by the Administrator to grant certificates for the purposes of this Ordinance in any country other than Southern Rhodesia, certifying that the person named therein has been engaged to serve, immediately upon arrival in Southern Rhodesia, an employer named therein of repute, at an adequate remuneration and for a reasonable period of time.

Provided that it shall be unlawful for any persons to immigrate into Southern Rhodesia without special permission in writing from the Administrator, that is to say those—

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(*d*) who from information officially received by the Administrator from or through the High Commissioner or the Government of any British or Portuguese Colony in South Africa are deemed by him to be undesirables.

Prohibited Immigrants may not immigrate into Southern Rhodesia.

4. Subject to the provisions of this Ordinance, it shall be unlawful for any "prohibited immigrant" to immigrate into Southern Rhodesia.

No person may assist prohibited immigrants to enter Territory.

5. No person shall aid or assist any person to immigrate into Southern Rhodesia in contravention of the provisions of this Ordinance.

* Substituted for the original clause by the "Immigration Restriction Amendment Ordinance, 1904."

Power of Administrator to make regulations.

6. (1) The Administrator may, with the advice of the Executive Council, make regulations—

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(*e*) to prescribe penalties for the contravention of any such regulations; provided that no penalty in respect of any one contravention shall exceed £100, or, in default of payment thereof, imprisonment with or without hard labour for a period not exceeding twelve months, or imprisonment with or without hard labour without the option of a fine for a period not exceeding six months;

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Penalty for immigrating into Territory in violation of provisions of Ordinance.

7. Any person immigrating into Southern Rhodesia in violation of the provisions of this Ordinance or any regulations duly framed thereunder shall be liable—

(1) to be removed from within its limits, and

(2) to be kept in such custody as may by regulation be prescribed, pending such removal.

Penalty for assisting prohibited immigrants to enter Territory.

8. Any person who aids or assists any person in the contravention of any of the provisions of this Ordinance shall be liable for each offence to a penalty not exceeding £50 and in default of payment to imprisonment for a period not exceeding three months with or without hard labour, or to both such penalty and such imprisonment.

Penalty for making false statement.

9. Any person making any false statement in order to procure any certificate or recommendation for the purposes of this Ordinance shall, upon conviction, be liable to—

(1) a fine not exceeding £50, and in default of payment to imprisonment with or without hard labour for a period not exceeding six months; or

(2) such imprisonment without the option of a fine; and

(3) in addition to be removed from within Southern Rhodesia to beyond the borders thereof at any point.

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Extract from the Regulations framed under the Southern Rhodesia Immigration Restriction Ordinance, 1903.

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5. Any person before being permitted to enter within the Territory of Southern Rhodesia shall be required to satisfy the Immigration Officer that he is either not a person falling within the class "A" hereunder mentioned, or that he is a person falling within one or other of the classes "B", "C" and "D" hereunder, that is to say :—

"A"—That he is not a prohibited immigrant within the meaning of the second section of the said Ordinance, or

"B"—That he is a person coming within the provisions of the third section of the said Ordinance or any amendment of such section to whom the restrictive provisions of the said Ordinance do not apply, or

"C"—That he is a person proceeding to some place beyond the limits of Southern Rhodesia and that he intends to proceed to his destination with all due celerity, or

"D"—That he is a *bonâ fide* traveller, and that he does not intend to remain in or to become domiciled in Southern Rhodesia.

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ORDERED, that a copy of the above Resolution forwarded to all Local Governments and Administrations and to the Home and Foreign Departments and that it be published in the *Gazette of India* for general information.

J. WILSON,
Offg. Secy. to the Govt. of India.